

are served by using electronic media in Federal courtrooms.

There are many benefits and no substantial detrimental effects to allowing greater public access to the inner workings of our Federal courts. Fifteen States conducted studies aimed specifically at the educational benefits derived from camera access courtrooms. They all determined that camera coverage contributed to greater public understanding of the judicial system.

Moreover, the widespread use in State court proceedings show that still and video cameras can be used without any problems, and that procedural discipline is preserved. According to the National Center for State Courts, all 50 states allow for some modern audiovisual coverage of court proceedings under a variety of rules and conditions. My own State of Iowa has operated successfully in this open manner for over 20 years. Further, at the Federal level, the Federal Judicial Center conducted a pilot program in 1994 which studied the effect of cameras in a select number of Federal courts. That study found “small or no effects of camera presence on participants in the proceeding, courtroom decorum, or the administration of justice.”

I would like to note that even the Supreme Court has recognized that there is a serious public interest in the open airing of important court cases. At the urging of Senator SCHUMER and myself, Chief Justice Rehnquist allowed the delayed audio broadcasting of the oral arguments before the Supreme Court in the 2000 presidential election dispute. The Supreme Court’s response to our request was an historic, major step in the right direction. Since then, the Supreme Court has allowed for audio broadcasting in other landmark cases. Other courts have followed suit, such as the live audio broadcast of oral arguments before the D.C. Circuit in the Microsoft antitrust case and the televising of appellate proceedings before the Ninth Circuit in the Napster copyright case. The public wants to see what is happening in these important judicial proceedings, and the benefits are significant in terms of public knowledge and discussion.

We’ve introduced the Sunshine in the Courtroom Act with a well-founded confidence based on the experience of the States as well as State and Federal studies. However, in order to be certain of the safety and integrity of our judicial system, we have included a 3-year sunset provision allowing a reasonable amount of time to determine how the process is working before making the provisions of the bill permanent.

It is also important to note that the bill simply gives judges the discretion to use cameras in the courtroom. It does not require judges to have cameras in their courtroom if they do not want them. The bill also protects the anonymity of non-party witnesses by giving them the right to have their voices and images obscured during testimony.

So, the bill does not require cameras, but allows judges to exercise their discretion to permit camera in appropriate cases. The bill protects witnesses and does not compromise safety. The bill preserves the integrity of the judicial system. The bill is based on the experience of the States and the Federal courts. And the bill’s net result will be greater openness and accountability of the nation’s Federal courts. The best way to maintain confidence in our judicial system, where the Federal judiciary holds tremendous power, is to let the sun shine in by opening up the Federal courtrooms to public view through broadcasting. And allowing cameras in the courtroom will bring the judiciary into the 21st century. I urge my colleagues to join me in supporting the Sunshine in the Courtroom Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Sunshine in the Courtroom Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **PRESIDING JUDGE.**—The term “presiding judge” means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) **APPELLATE COURT OF THE UNITED STATES.**—The term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

SEC. 3. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) **AUTHORITY OF APPELLATE COURTS.**—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) **AUTHORITY OF DISTRICT COURTS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) **OBSCURING OF WITNESSES.**—

(A) **IN GENERAL.**—Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render

the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) **NOTIFICATION TO WITNESSES.**—The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that the image and voice of that witness be obscured during the witness’ testimony.

(C) **ADVISORY GUIDELINES.**—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, in the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under subsections (a) and (b).

SEC. 4. SUNSET.

The authority under section 3(b) shall terminate 3 years after the date of the enactment of this Act.

By Mr. BINGAMAN:

S. 831. A bill to provide for the establishment of a Health Workforce Advisory Commission to review Federal health workforce policies and make recommendations on improving those policies; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will help address the devastating health workforce shortages we will be facing in this country. Health care expenditures represent 15.3 percent of U.S. gross domestic product. These expenditures are expected to rise to 18.7 percent by 2014. As health care needs grow, society faces increasing challenges related to the health care workforce. By 2020, 29 percent nursing positions are projected to be vacant. From 2000–2010, an additional 1.2 million aides will be needed to cover projected growth in long-term care positions and replacement of departing workers. An aging health care workforce means that by 2008, almost half of the workforce will be 45 years of age and older. Currently, U.S. providers rely on international medical graduate and foreign trained nurses to fill some critical roles, while continuing to face a shortage of providers in health professional shortage areas. Health workforce challenges need to be analyzed, understood, and alleviated, to ensure better access and better quality of care.

The Health Workforce Advisory Commission Act of 2005 will help to create a national vision to serve as a roadmap for investing in the health workforce. Through analysis and recommendation, an 18 member commission of national workforce and health experts will provide insight regarding the solutions necessary to enhance our health workforce. Key areas for commission focus will include forecasting of supply and distribution of physicians, nurses and other health professionals, studying the national and global impact of workforce policies related to the utilization of internationally trained practitioners, and developing appropriate measures to ensure diversity of the U.S. health workforce. The commission will make recommendations to Congress on health workforce policy.